

April 27 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 10-0195

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MICHAEL E. ANDERSON; GERALD BENJAMIN;  
BETTY BENJAMIN; SHERRIE L. BERTRAND;  
DAN BUTKAY; LEAH BUTKAY; MATTHEW  
BURDSALL, MIRANDA BURDSALL; ERICH  
DEHAVEN; TONYA DEHAVEN; JOHN F. DIETZ;  
MARGARET A. DIETZ; FRANKLIN GESSAMAN;  
KATHY E. GESSAMAN; GARY HUFFORD;  
YVONNE HUFFORD; DIANE M. HUMPHREY;  
ANDY J. JOHNSTON; JERI L. JOHNSTON;  
JERILEE KANTHACK; HAROLD E. KELSH;  
DIANA KUHL-HOWARD; DORIS KUHL; AMY  
LAMBERT; ERIN LANIGAN; MAT LANIGAN;  
KYLE A. LAWSON; LINDA L. LAWSON; TERRY  
LEE LAZURE; JACQUELINE F. LEE; PAMELA A.  
LEE; CAROL L. MANDERA; JASON MOHLER;  
JACKIE MOHLER; CHERI L. NEVILLE; MARIE  
RINGLE; JOHN SIEWERT; ROSE SIEWERT;  
CONNIE SMIGAJ; ALLAN SMIGAJ; VICKI M.  
WILHAM; EDWARD C. WILLETT; JARED W.  
YATES; and ESTHER L. YATES,

Petitioners,

v.

MONTANA FIRST JUDICIAL DISTRICT COURT,  
and THE HONORABLE DOROTHY McCARTER,  
Presiding Judge,

Respondents.

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ORDER

FILED

APR 27 2010

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Before this Court is a Petition for Writ of Supervisory Control filed by the Plaintiffs (referred to herein as Petitioners) in the underlying action, First Judicial District Court, Lewis and Clark County Cause No. ADV-2008-101. Petitioners raise two issues: (1) whether the District Court erred in denying their motion in limine and motion to bifurcate which sought to exclude evidence of inapplicable regulatory standards from the

trial of their common law claims; and (2) whether the District Court erred in entering summary judgment against them on the applicable statutes of limitations.

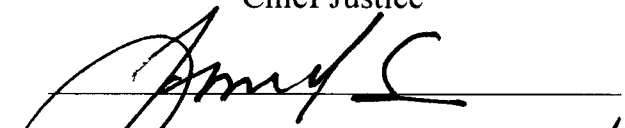
Having read Petitioners' petition, we conclude that a summary response will aid us in our deliberations and resolution of the petition. Therefore,

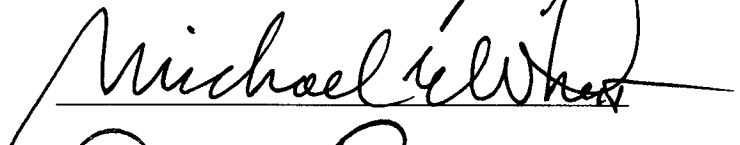
IT IS ORDERED that Respondent or her designee is granted 30 days from the date of this Order in which to prepare, file and serve a summary response to Petitioners' petition.

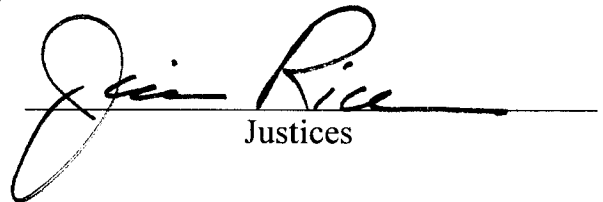
The Clerk of this Court is directed to give notice of this order by electronic means followed by mail to counsel of record and to the Hon. Dorothy McCarter, District Judge, Presiding.

Dated this 27<sup>th</sup> day of April, 2010.

  
Chief Justice

  
W. William Byrd

  
Michael E. White

  
Justices